

Remarks

Claims 1 through 10 and 13 through 20 are now pending.

Claim 1 has been amended for a purpose of removing an Examiner indicated ambiguity relating to the mixing process. Adequate basis for amendments made to claim 1 may be found in the text of the Applicants' specification on Page 4, Lines 1 through 27.

The Rejection

The following singular U.S. patent has been relied upon to reject various of the Applicants' claims:

	<u>U.S. Patents</u>
6,090,880	Zimmer, et al. (Zimmer)

Rejection Under 35 U.S.C. Section 112

Claims 1 through 10 and 13 through 20 have been rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

It is believed that the Examiner's objections under 35 U.S.C. Section 112, second paragraph, have been remedied by amendments made to the Applicants' claim 1. In particular, it is intended that the Applicants' amended claim 1 provides a mixing process that is not open ended. In particular, the process of amended claim 1 requires the rubber composition to be mixed in an internal rubber mixer until its temperature autogeneously increases to an elevated temperature within a range of from 140°C to 180°C. It is believed that this aspect of the amended claim 1 is not open ended.

After the rubber composition autogeneously reaches said elevated temperature, the rubber composition is mixed in the internal rubber mixer at a temperature within 10°C of said elevated temperature for a period of from for a period of from about 0.5 to about 15 minutes. It is believed that this aspect of the amended claim 1 is also not open ended.

Accordingly, it is contended that the Applicants' amended 1 complies with the

requirements of 35 U.S.C. Section 112, second paragraph in the sense of describing a clear and definite mixing process.

Rejection Under 35 U.S.C. Section 103

Claims 1 through 10 and 13 through 20, prior to the amendment of the Applicants' claim 1, have been rejected under 35 U.S.C. Section 103(a) as being obvious in view of Zimmer.

A reconsideration of the rejection of the Applicants' claims is requested in view of amendments made to the claims and comments herein.

Discussion

The process of the Applicants' amended claim 1 is not taught or suggested by the Zimmer patent reference.

In particular, there is no teaching or suggestion in Zimmer to first mix its rubber composition in an internal rubber mixer to autogenously reach an elevated temperature in a range of from 140°C to 180°C followed by, after autogenously reaching the elevated temperature, to mix its rubber composition at a temperature within 10°C of said elevated temperature for a period of from 0.5 to 15 minutes. It appears to very clear that Zimmer does not teach or suggest such mixing process.

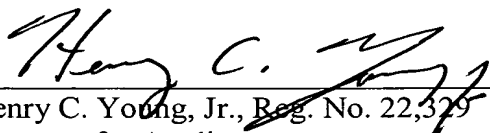
Accordingly, it is contended that Zimmer is materially deficient for a purpose of rendering the Applicant's claimed process as being obvious in the sense of 35 U.S.C. Section 103(a).

Moreover, it is contended that the Zimmer reference disclosure does not make out a prima facie case of obviousness of the Applicants' claimed process without a significant reconstruction of the Zimmer reference in the sense of 35 U.S.C. Section 103(a). In particular, one would not be motivated by Zimmer to utilize the Applicants' claimed process in the absence of the Applicants' own specification and claims.

Conclusion

In view of the amendments made to the claims and comments herein it is contended that the Applicants' claimed process complies with the requirements of 35 U.S.C. Section 112, second paragraph, and is not obvious in view of Zimmer in the sense of 35 U.S.C. Section 103(a).

Respectfully submitted,


Henry C. Young, Jr., Reg. No. 22,329
Attorney for Applicants

The Goodyear Tire & Rubber Company
Intellectual Property Law Department 823
1144 East Market Street
Akron, Ohio 44316-0001
Telephone: (330) 796-2956